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R E M A R K S

Reconsideration of the present application in view of the amendments and following remarks is respectfully requested. Claims 1, 7, 9, 13, 14, and 17 are currently amended. Twenty-one claims remain pending in the application: claims 1 through 21. Reconsideration of claims 1 through 21 in view of the amendments above and arguments below is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

1. Claims 2, 10, 13 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The term "adjusted" in claims 13 and 14 has been changed to "adjustable."

The recitation that the spacer panels are above the portal in claims 2 and 10 is not ambiguous. Independent claims 1 and 9 should not be interpreted to suggest only that the spacer panels may be placed under the portal assembly to adjust the "rise" of the portal assembly. The spacer panels may be placed above or below the portal assembly to adjust the "rise" of the portal assembly. The top fixed cross piece (310) in Figure 3 is an immovable piece which creates a predetermined void. This predetermined void must be filled the spacers (315), (330), and (335), located above and below the portal assembly. Replacement of the spacer panels (315), (330), and (335) into the panel door frame (301) in a different configuration effects a change in the rise.

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The language found in independent claims 1 and 9 describes the placement of spacers above or below the portal assembly. Claim 1 states in part, "an adjustable rise wherein at least one spacer panel is positioned adjacent to said portal assembly for adjusting said rise." Claim 2 then states, "The adjustable panel door of claim 1 wherein said at least one spacer panel is positioned above said portal assembly." Claim 9 states in part, "a plurality of spacer panels wherein said spacer panels are located adjacent to said portal assembly for adjusting said rise." Claim 10 then states, "The adjustable panel door of claim 9 wherein said spacer panels are located above said assembly." Therefore, the recitation that the spacer panels are above the portal in dependent claims 2 and 10 is not ambiguous because the claims further define the location of the spacer panels.

Claim Rejections - 35 U.S.C. § 102

2. Claims 1, 3-5, 7-9, 11, 12, 13, 15 and 17-21 stand rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 3,932,959 (*Jansons et al.*).

Jansons et al. appears to teach an adjustable shutter assembly capable of fitting a variety of window lengths. The length adjustment boot (20) is slid over the broken legs (6) and (9) and (7) and (8) until the proper length is achieved. The length adjusting boot (20) has grippers (23) which engage one of the grooves (12) located on booth sides of the shutter assembly.

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Claim 1 recites in part "at least one spacer panel is positioned adjacent to said portal assembly for adjusting said rise, wherein the rise is adjustable by adjusting a distance between the top cross piece and the bottom frame member of the portal assembly." Both claims 7 and 9 both recite in part, "a plurality of spacer panels are positioned adjacent to said portal assembly for adjusting the rise, wherein the rise is adjustable by adjusting a distance between the top cross piece and the bottom frame member of the portal assembly." In addition, claim 17 recites in part, "inserting said spacer panels and said portal assembly into said frame, wherein said frame comprises a top cross piece and a bottom cross piece, wherein the rise is adjustable by adjusting a distance between the top cross piece and the bottom frame member of the portal assembly." The spacer panels (315), (330), and (335) are inserted into the panel door frame (301) to effect a change in the rise by increasing or decreasing a distance between the top cross piece and the bottom frame member of the portal assembly.

In contrast, *Jansons et al.* teaches adjusting the length of a shutter assembly through breaking the unneeded portion of assembly legs and the use of a length adjustment boot (20) to hold the legs. The grippers (23) of the length adjustment boot (20) grip the legs one at one of the ribs of a grooved portion (12). However, adjusting the length of the assembly does not teach or suggest adjusting a rise of a portal assembly. The rise is defined as the height of a top cross piece above the bottom projection of the entrance portal assembly. The bottom piece (20) cannot be moved towards or away from the top piece (14) when adjusting the length.

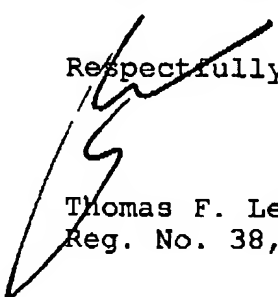
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Therefore, *Jansons et al.* does not teach or suggest an adjustable rise wherein the rise is the height of a top cross piece above the bottom projection of the portal assembly. Thus, Applicant respectfully submits *Jansons et al.* does not anticipate claims 1, 3-5, 7-9, 11, 12, 13, 15 and 17-21 and that the rejection is overcome.

C O N C L U S I O N

In view of the above, Applicant submits that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited. Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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